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TO AMEMBASSY KIGALI PRIORITY

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E.O. 12356: N/A

TAGS: PHUM ELAB KSPP RW

SUBJECT: RWANDA: INITIAL EDIT OF 1993 COUNTRY REPORT ON HUMAN
RIGHTS PRACTICE

REF: (A) 93 KIGALI 03613, (B) 93 STATE 268947, (C) AND PREVIOUS

1. LOU-NOFORN--ENTIRE TEXT.

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2. THE INITIAL EDITED VERSION (VERSION 1) OF THE 1993
DRAFT REPORT ON HUMAN RIGHTS PRACTICES FOR RWANDA IS
TRANSMITTED HERewith. PLEASE PROVIDE RESPONSES TO ALL
QUESTIONS AS WELL AS YOUR OWN COMMENTS AND ANY ADDITIONAL
INFORMATION YOU BELIEVE IS RELEVANT. PLEASE KEY YOUR
RESPONSES TO THE NUMBERED PARAGRAPHS OF THIS MESSAGE AND
PROVIDE SPECIFIC LANGUAGE FOR PROPOSED CHANGES. TO
ENABLE THE DEPARTMENT TO MEET ITS LEGISLATIVELY MANDATED
DEADLINE, YOU ARE REQUESTED TO RESPOND TO THIS MESSAGE AS
SOON AS POSSIBLE. FYI: LEGISLATION THAT REQUIRES

UNITED STATES DEPARTMENT OF STATE
REVIEW AUTHORITY: WILLIAM E LANDFAIR
DATE/CASE ID: 18 JAN 2005 200401096

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REPORTING ON MILITARY EXPENDITURES HAS BEEN CHANGED. A SEPARATE REPORT ON THIS SUBJECT WILL BE MADE TO THE CONGRESS. ANY REFERENCES TO MILITARY EXPENDITURES HAVE THEREFORE BEEN REMOVED FROM THE DRAFT REPORT.

3. A REMINDER: YOU SHOULD REPORT TO THE DEPARTMENT AS SOON AS POSSIBLE ANY SIGNIFICANT, HUMAN RIGHTS-RELATED DEVELOPMENTS THAT OCCUR BETWEEN THE DATE OF SUBMISSION OF YOUR INITIAL DRAFT REPORT AND THE END OF THE CALENDAR YEAR. THANK YOU FOR YOUR EFFORTS TO DATE AND YOUR CONTINUING COOPERATION.

4. TEXT OF REPORT:

RWANDA IS GOVERNED BY A TRANSITION GOVERNMENT IN WHICH PRESIDENT JUVENAL HABYARIMANA RETAINS PREDOMINANT EXECUTIVE, LEGISLATIVE, AND JUDICIAL AUTHORITY UNDER THE 1991 CONSTITUTION. RESPONSIBILITY FOR DAY-TO-DAY GOVERNMENT OPERATIONS RESTS WITH A FIVE-PARTY COALITION GOVERNMENT HEADED BY AN OPPOSITION PRIME MINISTER. HOWEVER, THE GOVERNMENT TOOK A MAJOR STEP FORWARD IN ITS PROMISED TRANSITION TO MULTIPARTY DEMOCRACY WHEN IT

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SIGNED A PEACE ACCORD AUGUST 4 WITH THE RWANDAN PATRIOTIC FRONT (RPF), ENDING 3 YEARS OF WAR.

5. THE PEACE ACCORD, WHICH HAD NOT GONE INTO EFFECT BY YEAR'S END, WILL, IF IMPLEMENTED, SHIFT MANY PRESIDENTIAL POWERS TO A NEW MULTIPARTY GOVERNMENT, CREATE A TRANSITIONAL NATIONAL ASSEMBLY COMPOSED OF DEPUTIES APPOINTED BY 17 POLITICAL PARTIES, AND ESTABLISH A JOINT HIGH COMMAND FOR AN INTEGRATED (GOVERNMENT AND RPF) ARMY AND GENDARMERIE. THE ESTABLISHMENT OF THESE TRANSITION INSTITUTIONS WILL USHER IN A 22-MONTH TRANSITION PERIOD INTENDED TO END WITH MULTIPARTY ELECTIONS. THE PEACE ACCORD, THE RESULT OF MORE THAN A YEAR OF INTENSE NEGOTIATIONS BETWEEN THE TWO SIDES, IS DESIGNED TO OVERCOME THE MAJOR CAUSE OF THE WAR, ETHNIC RIVALRY BETWEEN HUTUS AND TUTSIS, WHO COMPRISE ABOUT 85 AND 14 PERCENT OF THE POPULATION RESPECTIVELY. ((NOTE: EMBASSY: PLEASE UPDATE.)) THE UNITED NATIONS SECURITY COUNCIL VOTED ON OCTOBER 5 TO SEND A 2,500-PERSONS PEACEKEEPING FORCE TO RWANDA TO ASSIST IN THE IMPLEMENTATION OF THE PEACE ACCORD.

6. THE PEACE ACCORD CALLS FOR THE FORMATION OF A UNIFIED

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ARMY COMPRISED OF 60 PERCENT HUTU PERSONNEL AND 40 PERCENT TUTSI. RWANDA'S CURRENT SECURITY APPARATUS CONSISTS OF THE ARMED FORCES (FAR), INCLUDING THE ARMY, RESPONSIBLE FOR EXTERNAL SECURITY, AND THE GENDARMERIE, RESPONSIBLE FOR INTERNAL SECURITY; THE LOCAL POLICE; AND THE INTERNAL AND EXTERNAL INTELLIGENCE SERVICES. A NATIONAL SECURITY COUNCIL, CONSISTING OF THE MINISTRIES OF DEFENSE, INTERIOR, AND JUSTICE WHICH ARE RESPONSIBLE

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FOR THESE SERVICES, COORDINATES THE ACTIVITIES OF THE SECURITY INSTITUTIONS. IN THE WAKE OF RENEWED HOSTILITIES BETWEEN THE GOVERNMENT AND THE RPF IN FEBRUARY, MEMBERS OF BOTH ARMIES COMMITTED HUMAN RIGHTS ABUSES AGAINST CIVILIANS.

7. THE OVERWHELMING MAJORITY OF RWANDANS ARE SUBSISTENCE FARMERS. THE LITTLE INDUSTRY AND FOOD PRODUCTION HAS BARELY MANAGED TO KEEP PACE WITH THE HIGH POPULATION GROWTH RATE. THE ECONOMY DEPENDS HEAVILY ON EXPORTS OF COFFEE AND TEA AND ON FOREIGN AID. RWANDA HAS AN AGREEMENT WITH THE WORLD BANK AND THE INTERNATIONAL MONETARY FUND FOR A STRUCTURAL ADJUSTMENT PROGRAM, BUT THE WAR HAS DISRUPTED ECONOMIC RECOVERY; AND ECONOMIC GROWTH REMAINS DEPENDENT ON POST-WAR ECONOMIC RECOVERY.

8. THE SIGNING OF THE AUGUST 4 PEACE ACCORD LED TO THE VIRTUAL ELIMINATION OF THE HUMAN RIGHTS ABUSES THAT PLAGUED THE COUNTRY DURING THE FIRST QUARTER OF 1993. THOSE ABUSES BEGAN AFTER THE PRESIDENT AND THE FORMER SOLE PARTY, THE NATIONAL REVOLUTIONARY MOVEMENT FOR DEVELOPMENT (MRND), REJECTED A SIMILAR (?) POWERSHARING AGREEMENT NEGOTIATED BY THE RWANDAN FOREIGN MINISTER WITH THE RPF IN ARUSHA, TANZANIA, ON JANUARY 9. THAT REJECTION TRIGGERED ETHNIC VIOLENCE WHICH KILLED OVER 300 PERSONS AND DISPLACED 4,000 PERSONS, MAINLY MINORITY TUTSIS AND OPPOSITION POLITICAL PARTY MEMBERS. CITING THIS VIOLENCE AS A CEASE-FIRE VIOLATION, THE RPF ATTACKED IN FEBRUARY, KILLING A NUMBER OF CIVILIANS, MOSTLY HUTUS, INCLUDING SOME WHO WERE POLITICALLY PROMINENT. IN WITHDRAWING, GOVERNMENT SOLDIERS LOOTED, RAPED, AND

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KILLED A NUMBER OF CIVILIANS. THE FEBRUARY FIGHTING TEMPORARILY DISPLACED ANOTHER 600,000 PEOPLE, BRINGING THE TOTAL NUMBER OF WAR-DISPLACED TO NEARLY 1 MILLION.

9. DURING THIS SAME PERIOD, SECURITY FORCES RESPONSIBLE FOR CIVILIAN SAFETY OUTSIDE THE WAR ZONE OCCASIONALLY ARRESTED, BEAT, AND SOMETIMES TORTURED AND KILLED PERSONS SUSPECTED OF SYMPATHY WITH THE RPF. THE REPORT OF AN INTERNATIONAL COMMISSION ((NOTE: EMBASSY: WHO DOES THE COMMISSION REPRESENT? IS IT A U.N.-CREATED COMMISSION? PLEASE IDENTIFY ITS PARENTAGE.)) INVESTIGATING PAST AND PRESENT HUMAN RIGHTS ABUSES AND THE UNRESOLVED POLITICAL KILLINGS OF A PROMINENT POLITICIAN AND A WELL-KNOWN LOCAL GOVERNMENT OFFICIAL KEPT ALIVE FEARS OF THE POSSIBLE EXISTENCE OF A DEATH SQUAD.

10. DESPITE THE DISRUPTIONS OF THE FIRST QUARTER, THE GOVERNMENT WAS ABLE SUBSEQUENTLY TO HOLD ELECTIONS IN MANY LOCALITIES BASED ON COMPETITION AMONG MULTIPLE CANDIDATES FROM DIFFERENT POLITICAL PARTIES, INCLUDING THE RPF. OPPOSITION PARTIES WON ABOUT HALF OF THOSE LOCAL ELECTIONS. WOMEN, HOWEVER, ARE POORLY REPRESENTED IN THE PRESENT AND EMERGING POLITICAL SYSTEM. THEY FACE EXTENSIVE LEGAL AND SOCIETAL DISCRIMINATION AND ARE OFTEN VICTIMS OF DOMESTIC VIOLENCE. IN THE FIRST QUARTER, THEY WERE FREQUENTLY VICTIMS OF RAPE BY SOLDIERS.

RESPECT FOR HUMAN RIGHTS

SECTION 1 RESPECT FOR THE INTEGRITY OF THE PERSON,
INCLUDING FREEDOM FROM
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A. POLITICAL AND OTHER EXTRAJUDICIAL KILLING

11. THERE WERE EXTENSIVE POLITICAL AND OTHER EXTRAJUDICIAL KILLINGS IN THE ETHNIC AND POLITICAL VIOLENCE WHICH ERUPTED IN NORTHWESTERN RWANDA IN JANUARY AFTER THE GOVERNMENT REPUDIATED A POWERSHARING AGREEMENT NEGOTIATED BY ITS FOREIGN MINISTER WITH THE RPF. THE VIOLENCE, WHICH TARGETED TUTSIS AND SUPPORTERS OF POLITICAL PARTIES OTHER THAN THE MRND, RESULTED IN OVER 300 DEATHS AND THE TEMPORARY DISPLACEMENT OF 4,000 PERSONS. THE MILITARY AND YOUTH FROM THE MRND AND THEIR

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ALLY THE (CDR), WERE RESPONSIBLE FOR CARRYING OUT MANY OF THE KILLINGS. WOMEN AND CHILDREN WERE AMONG THE VICTIMS, SOME HACKED TO DEATH. (SEE ALSO SECTION 1.G.)

12. HUMAN RIGHTS ORGANIZATIONS DOCUMENTED CASES NORTH OF KIGALI, JUST SOUTH OF THE WAR FRONT, WHERE THE MILITARY SHOT TO DEATH TUTSI, SOMETIMES WHOLE FAMILIES OR SOMETIMES JUST THE MEN, USUALLY AT CHECKPOINTS. OTHER CASES INDICATED THAT THE MILITARY BEAT TO DEATH DETAINEES, USUALLY HELD FOR LACKING PROPER IDENTIFICATION, INCLUDING AT LEAST FIVE DETAINEES BY A MEMBER OF THE GENDARMERIE INTERROGATION UNIT IN A MILITARY CAMP IN CENTRAL KIGALI. GENDARMES ABDUCTED THREE TUTSI (BAGOGWE) STUDENTS FROM THE CAMPUS OF AN ADVENTIST UNIVERSITY IN FEBRUARY. THEIR BODIES, ALONG WITH TWO OTHERS, WERE SUBSEQUENTLY FOUND NEAR THE SCHOOL. HUMAN RIGHTS MONITORS REPORTED THAT THE AUTHORITIES (?) BURIED AS MANY AS FOUR UNCLAIMED BODIES, SHOWING SIGNS OF BEATINGS OR BULLET WOUNDS, IN KIGALI

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EACH DAY IN LATE FEBRUARY. MOST OF THESE EXTRAJUDICIAL KILLINGS REMAIN UNSOLVED, ALTHOUGH A MILITARY COURT HAS CONVICTED SOME SOLDIERS FOR VENGEANCE KILLINGS. ((NOTE: EMB: WHAT WAS A TYPICAL SENTENCE? ANYONE DO SERIOUS JAIL TIME?))

13. SUBSEQUENTLY, UNDER PRESSURE FROM THE RPF IN PEACE TALKS, THE GOVERNMENT REMOVED NEARLY 40 LOCAL OFFICIALS FOR SUSPECTED INVOLVEMENT IN THIS ETHNIC AND POLITICAL VIOLENCE. HOWEVER, AN INTERMINISTERIAL COMMISSION FOUND THAT LOCAL AUTHORITIES HAD, BY AND LARGE, RESPONDED APPROPRIATELY TO THE VIOLENCE, AND THE GOVERNMENT TOOK LITTLE DISCIPLINARY ACTION. IT REASSIGNED MANY OF THESE LOCAL OFFICIALS TO IMPORTANT POSTS, AND NONE HAD BEEN BROUGHT TO TRIAL ON EITHER CIVIL OR CRIMINAL CHARGES BY YEAR'S END.

14. ALLEGATIONS OF THE EXISTENCE OF RWANDAN DEATH SQUADS PERSISTED. IN MAY UNKNOWN ASSAILANTS KILLED A PROMINENT OPPOSITION POLITICIAN AND IN AUGUST A WELL-KNOWN LOCAL OFFICIAL. A REPORT IN MARCH FROM A SELF-STYLED (?) INTERNATIONAL COMMISSION OF INQUIRY INTO VIOLATIONS OF HUMAN RIGHTS IN RWANDA SINCE OCTOBER 1, 1990, ALSO GAVE SOME SUPPORT TO THESE ALLEGATIONS. ((NOTE: EMBASSY: AGAIN PLEASE IDENTIFY THE COMMISSION. WHAT ARE THE 8

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COUNTRIES? HOW REPUTABLE/RELIABLE WAS/IS THIS GROUP?))
THE COMMISSION, COMPRISED OF HUMAN RIGHTS MONITORS FROM
EIGHT COUNTRIES, SPENT 2 WEEKS IN RWANDA IN JANUARY, AND
ITS REPORT IDENTIFIED INDIVIDUALS SUSPECTED OF
INVOLVEMENT IN DEATH SQUAD TYPE ACTIVITY. ((NOTE:
EMBASSY: ACCURACY? ANY NEW EVIDENCE?)) SEVERAL PERSONS
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IDENTIFIED IN THE REPORT SUBSEQUENTLY DENIED THE
ALLEGATIONS, AND THE CREDIBILITY OF ONE OF THE
COMMISSION'S WITNESSES, WHO CLAIMED HE HAD PARTICIPATED
IN DEATH SQUAD ACTIVITIES, HAD NOT BEEN ESTABLISHED BY
YEAR'S END.

B. DISAPPEARANCE

15. DURING THE PERIOD OF HEIGHTENED POLITICAL TENSIONS
AND RENEWED WARFARE IN JANUARY AND FEBRUARY, THERE WERE
DISAPPEARANCES AT THE HANDS OF GOVERNMENT ARMED FORCES
RESPONSIBLE FOR SECURITY IN CIVILIAN AREAS. ONE HUMAN
RIGHTS ORGANIZATION, REPORTED THAT AT LEAST 100 PERSONS
HAD DISAPPEARED IN THE AFTERMATH OF ETHNIC VIOLENCE AND
RENEWED FIGHTING. AT YEAR'S END, THERE HAD BEEN NO
OFFICIAL EFFORT TO ACCOUNT FOR THESE MISSING PERSONS,
MANY OF WHOM ARE PRESUMED DEAD. ((NOTE: EMBASSY:
ACCURACY? THE REFERENCE IS TO AFRICA WATCH AND IT COMES
FROM A REPORT IN THE AAI PUBLICATION, AFRICA REPORT FOR
MARCH/APRIL 1993. WAS AF WATCH THE ONLY SOURCE? IF SO
THEN CITE BY NAME AS "THE U.S.-BASED HUMAN RIGHTS
ORGANIZATION, AFRICA WATCH."))

C. TORTURE AND OTHER CRUEL, INHUMAN, OR DEGRADING
TREATMENT OR PUNISHMENT

16. ((NOTE: EMBASSY: WHAT DOES THE CONSTITUTION SAY ON
TORTURE...?))

17. SECURITY FORCES, INCLUDING POLICE, OCCASIONALLY USE
TORTURE AS PART OF INTERROGATIONS, AND BEATINGS AT THE
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TIME OF ARREST OCCUR ROUTINELY. DURING THE FIRST

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QUARTER, SECURITY FORCE MISTREATMENT OF CIVILIANS, ESPECIALLY OF TUTSIS, INCREASED SHARPLY. SECURITY FORCES RESPONSIBLE FOR CIVILIAN SAFETY OUTSIDE THE WAR ZONE OCCASIONALLY ARRESTED, BEAT, AND SOMETIMES TORTURED AND KILLED PERSONS SUSPECTED OF SYMPATHY WITH THE RPF (SEE SECTION 1.A.).

18. THERE WERE MANY INCIDENTS OF ARBITRARY BEATINGS BY SECURITY FORCES AND POLITICAL PARTY YOUTH GROUPS IN THE POLITICALLY CHARGED ATMOSPHERE OF JANUARY AND FEBRUARY. IN JANUARY THE MRND AND CDR YOUTH BLOCKED ROADS AND ATTACKED TUTSIS AND POLITICAL OPPONENTS IN THE NORTHEAST OF THE COUNTRY. IN ONE CASE MRND/CDR YOUTH BEAT RWANDAN EMPLOYEES OF CARE INTERNATIONAL IN THEIR HOMES FOR SUSPECTED SYMPATHY WITH THE RPF. LOCAL SECURITY FORCES DID NOT INTERVENE TO END THE VIOLENCE, BUT THE SITUATION IMPROVED AFTER THE MINISTER OF DEFENSE ORDERED AN END TO ABUSIVE BEHAVIOR AT MILITARY CHECKPOINTS.

19. GOVERNMENT SOLDIERS FREQUENTLY RAPED WOMEN AND HIGH SCHOOL GIRLS AS THEY WITHDREW FROM THE FRONT IN THE FACE OF THE RPF ADVANCE (SEE ALSO SECTION 1.G. AND 5). ((NOTE: EMBASSY: ANY ADDITIONAL INFORMATION? WHO WERE THE RAPE VICTIMS? TUTSI WOMEN?))

20. CONDITIONS IN PRISONS ARE LIFE THREATENING. THE PRISONS ARE OVERCROWDED, POORLY MAINTAINED, AND OFTEN THE SITE OF DEADLY VIOLENCE AMONG PRISONERS. ((NOTE: EMBASSY: ARE THERE REPORTS OF DEATHS IN PRISON DUE TO MALNUTRITION AND DISEASE AND LACK OF MEDICAL CARE? ARE LIMITED OFFICIAL USE

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WOMEN TARGETED FOR RAPE?)) DELEGATES OF THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) HAVE REGULAR ACCESS TO PRISONERS AND GENDARME BRIGADES. ICRC ALSO HAS ACCESS TO MILITARY CAMPS BUT NOT TO DETAINEES THERE.

D. ARBITRARY ARREST, DETENTION, OR EXILE

21. EXCEPT FOR SUSPECTS CAUGHT IN THE ACT OF COMMITTING CRIMES, THE LAW REQUIRES THAT ARRESTS BE MADE WITH A WARRANT FOLLOWING AN INVESTIGATION. UNDER THE LAW, PERSONS MAY BE DETAINED FOR NO MORE THAN 48 HOURS WITHOUT A WARRANT. WITHIN 5 DAYS OF ARREST, EITHER CHARGES MUST BE STATED FORMALLY IN THE DEFENDANT'S PRESENCE OR THE

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COURT OF APPEALS MUST APPROVE A PUBLIC PROSECUTOR'S
REQUEST FOR A 30-DAY PREVENTIVE DETENTION ORDER.

22. PREVENTIVE DETENTION IS PERMITTED IF PUBLIC SAFETY IS BELIEVED TO BE THREATENED, IF THE ACCUSED MIGHT FLEE, OR IF THE PENALTY CARRIES A MINIMUM SENTENCE OF 6 MONTHS. DETENTION MAY BE PROLONGED INDEFINITELY, BUT JUDICIAL REVIEW IS MANDATORY EVERY 30 DAYS. DETAINEES MAY APPEAL THEIR INCARCERATION, AND THE APPEAL MUST BE HEARD WITHIN 24 HOURS BY A COMPETENT JUDICIAL AUTHORITY. THESE PROCEDURES APPLY TO ALL PERSONS SUSPECTED OF CRIMES. FAILURE TO MEET ANY OF THESE REQUIREMENTS CONSTITUTES GROUNDS FOR RELEASE OF THE ARRESTED PERSON AND DISMISSAL OF THE CASE. BAIL IS NOT AVAILABLE UNDER RWANDAN LAW, BUT SUSPECTS ARE OFTEN RELEASED ON THEIR OWN RECOGNIZANCE PENDING TRIAL. ((NOTE: EMBASSY: ARE THE ABOVE REQUIREMENTS RESPECTED IN PRACTICE?))

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23. DURING THE MONTH OF FEBRUARY, FOLLOWING RESUMPTION OF HOSTILITIES BETWEEN GOVERNMENT FORCES AND THE RPF, THE MILITARY ARRESTED AND DETAINED A NUMBER OF CIVILIANS, USUALLY TUTSI, SUSPECTED OF COMPLICITY WITH THE RPF. THEY WERE DETAINED TEMPORARILY BY THE MILITARY IN MILITARY CAMPS IN GISENYI, GITARAMA, AND KIGALI, ALLEGEDLY FOR NOT HAVING PROPER IDENTIFICATION PAPERS. INTERVENTION BY THE MINISTER OF DEFENSE OR ACTION BY HUMAN RIGHTS GROUPS GENERALLY RESULTED IN THESE DETAINEES BEING RELEASED OR TRANSFERRED TO CIVILIAN PRISONS. THESE ARRESTS WERE NOT WIDESPREAD, AS HAD OCCURRED AFTER THE OUTBREAK OF WAR IN 1990, AND THE JUDICIAL SYSTEM WAS NOT INVOLVED.

24. THERE ARE NO KNOWN CASES OF PERSONS, EITHER POLITICIANS OR JOURNALISTS, BEING ARRESTED OR DETAINED IN 1993 FOR EXPRESSING VIEWS CRITICAL OF THE GOVERNMENT. NO ACTION HAS BEEN TAKEN IN THE SECURITY CASES PENDING SINCE 1992 AGAINST THREE JOURNALISTS WHO REMAIN AT LIBERTY. ILLEGAL DETENTIONS IN CRIMINAL CASES CONTINUE TO BE COMMON DUE TO DELAYS IN PROCESSING AND UNFAMILIARITY OF UNTRAINED MAGISTRATES WITH JUDICIAL PROCEDURES.

25. PRETRIAL DETAINEES, WHO COMPRISE THE MAJORITY OF PRISONERS, MAY WAIT FOR A YEAR OR MORE FOR A COURT DATE DUE TO THE BACKLOG OF CASES. THERE ARE NO KNOWN CASES OF

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POLITICAL DETAINEES STILL IN CUSTODY, EITHER IN PRISONS OR MILITARY CAMPS. FOLLOWING THE SIGNING OF THE PEACE ACCORD, THE ICRC RETURNED 12 PRISONERS OF WAR (POW'S) HELD BY THE RPF TO THE GOVERNMENT AND THE GOVERNMENT LIMITED OFFICIAL USE

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RETURNED 6 POW'S TO THE RPF.

26. EXILE IS NOT PRACTICED AS A FORM OF PUNISHMENT. HOWEVER, THOUSANDS OF RWANDANS, MAINLY TUTSI, HAVE BEEN IN EXILE FOR OVER 30 YEARS IN NEIGHBORING COUNTRIES AND ABROAD. BETWEEN 2,000 AND 4,000 SUCH EXILES OR THEIR CHILDREN COMPRISED THE RPF INVASION FORCE IN OCTOBER 1990. THE PEACE ACCORD INCORPORATES THE RIGHT OF RETURN INTO LAW; A DECEMBER 1991 LAW GRANTS BLANKET AMNESTY TO REFUGEES AND EXILES WHO CHOOSE TO REPATRIATE.

E. DENIAL OF FAIR PUBLIC TRIAL

27. THE JUDICIAL SYSTEM COMPRISES SEPARATE COURT SYSTEMS FOR CRIMINAL/CIVIL CASES AND MILITARY CASES. DECISIONS MAY BE APPEALED TO THE APPROPRIATE REGIONAL COURT OF APPEALS. AT THE REQUEST OF COUNSEL OR OF DEFENDANTS, THE COUR DE CASSATION WILL REVIEW CIVIL AND CRIMINAL CASES FOR ERRORS IN PROCEDURE OR IN THE APPLICATION OF THE LAW. ERRORS CAN RESULT IN RETRIAL BY ANOTHER PANEL OF JUDGES. THE STATE SECURITY COURT, ABOLISHED BY THE PEACE ACCORD, HAS BEEN DEFUNCT SINCE THE COALITION GOVERNMENT ANNOUNCED ITS ABOLITION IN MID-1992.

28. THE JUDICIAL SYSTEM IS SUSCEPTIBLE TO GOVERNMENT INFLUENCE AND MANIPULATION. ALTHOUGH THE CONSTITUTION PROVIDES FOR AN INDEPENDENT JUDICIARY, IT ALSO MAKES THE JUDICIAL SYSTEM DEPENDENT ON THE EXECUTIVE BRANCH AND GIVES THE PRESIDENT ULTIMATE AUTHORITY TO APPOINT AND DISMISS JUDGES. ALSO, THE JUDICIAL SYSTEM IS HAMPERED BY THE LOW EDUCATIONAL LEVEL OF THE VAST MAJORITY OF

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JUDICIAL OFFICIALS, THE LACK OF MATERIAL AND EQUIPMENT FOR THE COURTS, AND THE ABSENCE OF COMPILED JURISPRUDENCE.

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29. THE REVITALIZATION OF THE MAGISTRATURE, ANTICIPATED FOLLOWING PASSAGE OF A LAW IN 1992 ENHANCING THE ROLE OF MAGISTRATES IN DECISIONS AFFECTING THE JUDICIARY, DID NOT OCCUR. INSTEAD, THE JUDICIAL SYSTEM WAS ALMOST PARALYZED AFTER THE LEADERSHIP AND INITIAL DECISIONS OF THE NEWLY CONSTITUTED SUPERIOR COUNCIL OF MAGISTRATES WERE CRITICIZED AS ILLEGAL. ((NOTE: EMBASSY: CLARITY. WHO CRITICIZED THE DECISIONS AS ILLEGAL? IS THIS AN EXAMPLE OF MRND MANIPULATION?)) IN ADDITION, RWANDA HAD NO MINISTER OF JUSTICE DURING THE FIRST 6 MONTHS OF 1993.

30. ALL TRIALS ARE PUBLIC. DEFENDANTS ARE CONSTITUTIONALLY ENTITLED TO COUNSEL BUT OFTEN ARE NOT REPRESENTED AT TRIAL BY COUNSEL BECAUSE OF A SHORTAGE OF LAWYERS. THERE ARE ONLY ABOUT 40 TRAINED PRIVATE LAWYERS IN RWANDA, MOST IN KIGALI, AND APPROXIMATELY 100 OFFICIALLY RECOGNIZED "LEGAL AGENTS" WHO MAY REPRESENT DEFENDANTS IN COURT.

31. IN THE AFTERMATH OF THE ETHNIC VIOLENCE IN THE FIRST QUARTER, THE AUTHORITIES CHARGED ABOUT 400 PERSONS WITH ARSON OR MURDER. APPROXIMATELY ONE-THIRD OF THESE HAD BEEN TRIED BY YEAR'S END, AND 77 WERE CONVICTED WITH SENTENCES RANGING FROM PRISON TERMS TO THE DEATH PENALTY. ((NOTE: EMBASSY: WERE THESE FAIR TRIALS PROVIDING DUE PROCESS?))

32. THERE WERE NO KNOWN POLITICAL PRISONERS IN CUSTODY
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AT YEAR'S END.

F. ARBITRARY INTERFERENCE WITH PRIVACY, FAMILY,
HOME, OR CORRESPONDENCE.

33. THE CONSTITUTION PROVIDES FOR THE RESPECT OF PRIVACY OF INDIVIDUALS, CORRESPONDENCE, AND COMMUNICATIONS AND DECLARES THAT THE HOME IS INVIOABLE. THESE PROVISIONS ARE GENERALLY RESPECTED, BUT OCCASIONALLY RWANDANS ARE SUBJECT TO INTERFERENCE IN THEIR PRIVATE LIVES. DURING A BRIEF PERIOD FOLLOWING RENEWED HOSTILITIES IN FEBRUARY, GENDARMES LOOKING FOR HIDDEN WEAPONS ENTERED HOMES IN SEVERAL PARTS OF KIGALI WITHOUT THE REQUIRED WARRANTS, SOMETIMES IN THE MIDDLE OF THE NIGHT OR JUST BEFORE DAWN. THERE WERE ALSO A NUMBER OF INSTANCES OF MRND/CDR YOUTH ENTERING HOMES AND BEATING PERSONS SUSPECTED OF SYMPATHY FOR THE RPF (SEE SECTION 1.C.).

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34. SURVEILLANCE OF POLITICAL PARTIES, ASSOCIATIONS, AND INDIVIDUALS IS NOT PRACTICED.

35. G. USE OF EXCESSIVE FORCE AND VIOLATIONS OF HUMANITARIAN LAW IN INTERNAL CONFLICTS

36. BOTH GOVERNMENT AND RPF FORCES MASSIVELY VIOLATED HUMANITARIAN LAW. A CEASE-FIRE ESTABLISHED IN JULY 1992 BETWEEN THE GOVERNMENT AND THE RPF HELD UNTIL FEBRUARY AND THEN WAS REESTABLISHED IN MARCH. DURING THE MONTH-LONG RPF OFFENSIVE, WHICH WAS TRIGGERED BY THE JANUARY-FEBRUARY VIOLENCE AGAINST TUTSIS (SEE SECTION 1.A.), THERE WAS AN UNDETERMINED NUMBER OF DEATHS AND INJURIES TO BOTH COMBATANTS AND CIVILIANS FROM ARTILLERY, LIMITED OFFICIAL USE

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MORTARS, AND SMALL ARMS FIRE. ((NOTE: EMBASSY: ANY LATER ESTIMATE ON NUMBERS?))

37. RETREATING SOLDIERS CAME TO BE REGARDED WITH FEAR BY THE POPULACE BECAUSE OF THEIR UNDISCIPLINED LOOTING AND RAPING. THEY--NOT THE FIGHTING--WERE RESPONSIBLE FOR MUCH OF THE DAMAGE TO HOUSES, SCHOOLS, AND CLINICS IN THE WAR ZONE.

38. BOTH THE MILITARY AND THE RPF ARE SUSPECTED OF RESPONSIBILITY FOR A "KILLING FIELD" CONTAINING SCORES OF HUMAN SKELETONS IN THE WAR ZONE OF NORTHEASTERN RWANDA IN AN AREA THAT CHANGED HANDS SEVERAL TIMES DURING THE FEBRUARY HOSTILITIES.

39. THE RPF COMMITTED MANY HUMAN RIGHTS ABUSES AGAINST CIVILIANS DURING THEIR FEBRUARY OFFENSIVE. CREDIBLE REPORTS INDICATE THAT IN THE FIRST DAYS OF THE ATTACK IN THE RUHENGERI AREA, THE RPF USED GRENADES AGAINST GROUPS OF CIVILIANS AND TARGETED SPECIFIC AUTHORITIES FOR DEATH, INCLUDING SEVERAL JUDGES AND A LOCAL ADMINISTRATOR IMPLICATED IN THE DEATHS OF BAGOGWE, A TUTSI SUBGROUP. THERE WAS NO EVIDENCE, HOWEVER, TO SUPPORT ALLEGATIONS THAT THE RPF USED CHEMICAL WEAPONS AGAINST DISPLACED PERSONS OR THAT IT MASSACRED HUNDREDS OF RWANDANS TRAPPED BEHIND RPF LINES. IN FACT, STORIES CIRCULATING AMONG DISPLACED PERSONS SUGGESTED AT LEAST SOME PERSONS TRAPPED IN RPF TERRITORY AND SUBSEQUENTLY RELEASED WERE WELL-TREATED BY THE RPF.

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40. THE NUMBER OF DISPLACED PERSONS REACHED NEARLY 1
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MILLION, 600,000 DISPLACED FOR THE FIRST TIME AND 350,000
REDISPLACED, SOME FOR THE FOURTH TIME. A MASSIVE RELIEF
OPERATION TO ASSIST DISPLACED PERSONS WAS MOUNTED BY THE
GOVERNMENT, THE ICRC, THE LOCAL RED CROSS, INTERNATIONAL
ORGANIZATIONS, NONGOVERNMENTAL ORGANIZATIONS, AND
BILATERAL DONORS. RELIEF ASSISTANCE CONTINUED, BUT MOST
OF THE NEWLY DISPLACED HAD RETURNED TO THEIR HOMES BY THE
END OF AUGUST, FOLLOWING THE SIGNING OF THE PEACE
ACCORD. THE COMBATANTS PERMITTED ICRC AND THE WORLD FOOD
PROGRAM TO BRING IN RELIEF SUPPLIES FROM UGANDA THROUGH
THE COMBAT ZONE BOTH BEFORE AND AFTER THE FEBRUARY
OFFENSIVE, ALTHOUGH THERE WERE SUBSTANTIAL INTERRUPTIONS.

41. THERE WERE ALSO RANDOM TERRORIST INCIDENTS INVOLVING
GRENADES, LAND MINES, AND BOMB EXPLOSIONS. ABOUT 50
JUDICIAL CASES INVOLVING MINES ARE PENDING, BUT NONE HAD
COME TO TRIAL BY YEAR'S END. ARMED ROBBERY, OFTEN
INVOLVING USE OF GRENADES, COMMON IN URBAN AREAS,
RESULTED IN NUMEROUS DEATHS AND INJURIES. SOME SUCH
ROBBERIES MAY HAVE BEEN LINKED TO POLITICAL INTIMIDATION.

SECTION 2 RESPECT FOR CIVIL LIBERTIES, INCLUDING

A. FREEDOM OF SPEECH AND PRESS

42. THE CONSTITUTION PROVIDES FOR FREEDOM OF SPEECH AND
PRESS. EXCEPT IN AREAS EXPERIENCING VIOLENCE, FREEDOM OF
SPEECH WAS WIDELY EXERCISED BY POLITICAL PARTIES, HUMAN
RIGHTS ASSOCIATIONS, THE PRIVATE PRESS, AND THE
GOVERNMENT MEDIA.

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43. ALTHOUGH THE ELECTRONIC MEDIA IS EXPANDING, THE
GOVERNMENT-OWNED AND OPERATED RADIO STATION DOMINATES THE
MEDIA AND IS THE MOST IMPORTANT MEANS OF REACHING THE
PUBLIC. SINCE THE OPENING TO MULTIPLE PARTIES IN 1991
AND THE APPOINTMENT OF AN OPPOSITION MINISTER TO HEAD THE

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MINISTRY OF INFORMATION IN 1992, THE RADIO COMMONLY AIRS OPPOSING VIEWPOINTS, INCLUDING CRITICISM OF GOVERNMENT POLICIES. POLITICAL GROUPS HAVE AT DIFFERENT TIMES COMPLAINED ABOUT BEING DENIED ACCESS FOR THEIR PRESS RELEASES AND COVERAGE FOR THEIR POLITICAL ACTIVITIES AND POSITIONS. THE NEW GOVERNMENT-OWNED AND OPERATED TELEVISION STATION, WHICH BROADCASTS ON WEEKENDS AND NOW REACHES 70 PERCENT OF THE COUNTRY, IS CONSIDERED MORE BALANCED IN ITS NEWS COVERAGE THAN THE RADIO.

44. THE PRESS, BOTH GOVERNMENT AND PRIVATE, BECAME MORE BALANCED IN ITS REPORTING AND, CONSEQUENTLY, MORE TOLERATED BY AUTHORITIES AND PROMINENT INDIVIDUALS. ((NOTE: EMBASSY: BY "BECAME MORE BALANCED" DO YOU MEAN BECAME LESS CRITICAL OF GOVERNMENT? THE WAY THIS SENTENCE READS WE SEEM TO BE SAYING THAT ONLY "BALANCED" NEWSPAPERS SHOULD BE TOLERATED. THAT'S NOT WHAT THE U.S. FIRST AMENDMENT PROVIDES FOR. PLEASE CLARIFY.)) THREE NEWSPAPERS DOMINATE THE PRINT MEDIA: A GOVERNMENT-OWNED WEEKLY, AN INDEPENDENT CATHOLIC BIWEEKLY, AND A PRIVATE RURAL-ORIENTED MONTHLY.

45. THE PRESS LAW PROVIDES FOR STIFF PENALTIES FOR INSULTING THE PRESIDENT AND REQUIRES EDITORS TO FILE COPIES OF EACH EDITION OF THEIR PAPERS WITH SPECIFIED AUTHORITIES, INCLUDING THE PUBLIC PROSECUTOR, PRIOR TO
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DISTRIBUTION, BUT THIS HAS RESULTED NEITHER IN CENSORSHIP NOR SELF-CENSORSHIP. THE AUTHORITIES DID NOT ARREST OR DETAIN ANY JOURNALISTS DURING 1993 AND TOOK NO ACTION AGAINST THREE JOURNALISTS, WHO REMAIN AT LIBERTY, CHARGED WITH SECURITY VIOLATIONS PENDING SINCE 1992. UNKNOWN PERSONS ASSASSINATED A TELEVISION JOURNALIST IN FRONT OF HIS HOME IN APRIL, BUT IT IS UNCLEAR WHETHER HIS DEATH WAS CONNECTED WITH HIS WORK. NO ONE WAS ARRESTED FOR THE CRIME. A JOURNALIST, AFRIKA JANVIER, WHO CLAIMED WHILE IN CUSTODY THAT HE HAD PARTICIPATED IN "DEATH SQUAD" ACTIVITIES, CHOSE TO REMAIN IN PRISON PENDING APPEAL OF HIS CONVICTION FOR DEFAMATION OF THE PRESIDENT.

46. POLITICAL, ETHNIC, AND REGIONAL TENSIONS OFTEN AFFECT PROFESSORIAL APPOINTMENTS IN THE NATIONAL UNIVERSITY SYSTEM, BUT THERE WAS NO APPARENT IDEOLOGICAL PRESSURE ON TEACHING, RESEARCH OR CURRICULUM.

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B. FREEDOM OF PEACEFUL ASSEMBLY AND ASSOCIATION

47. THE CONSTITUTION PROVIDES FOR FREEDOM OF PEACEFUL ASSEMBLY. PERMITS FOR OUTDOOR RALLIES DEMONSTRATIONS, AND MEETINGS REQUIRE 6-DAY ADVANCE NOTICE, BUT POLITICAL PARTY RALLIES ARE ROUTINELY HELD THROUGHOUT THE COUNTRY, EXCEPT IN COMBAT ZONES, WITHOUT OFFICIAL INTERFERENCE OR OBSTRUCTION.

48. UNAUTHORIZED DEMONSTRATIONS IN JANUARY, PARTICULARLY BY PARTY YOUTH, BOTH IN KIGALI AND IN THE NORTH OF THE COUNTRY, RESULTED IN PROPERTY DAMAGE, NUMEROUS INJURIES, AND SOME DEATHS. AFTER HOSTILITIES RESUMED, THE
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PRESIDENT CALLED ON POLITICAL PARTIES TO SUSPEND PARTY RALLIES AND MEETINGS. OPPOSITION PARTIES OBJECTED PUBLICLY TO THIS PROPOSAL, BUT THEY NEVER TESTED IT. NORMAL POLITICAL ACTIVITY RESUMED AFTER A CEASE-FIRE WAS REESTABLISHED IN MARCH.

49. THE USE OF INTIMIDATION AND VIOLENCE TO ENCOURAGE PARTY AFFILIATION OR DISSUADE DEFECTIONS VIRTUALLY CEASED IN 1993, AND CITIZENS WERE GENERALLY FREE TO JOIN THE POLITICAL PARTY OF THEIR CHOICE. POLITICAL PARTIES, NOW NUMBERING 17, AND CIVIC ASSOCIATIONS, WHICH HAVE PROLIFERATED SINCE 1991, MUST REGISTER WITH THE MINISTRY OF THE INTERIOR AND WITH THE MINISTRY OF JUSTICE, RESPECTIVELY. THERE WERE NO INSTANCES OF REGISTRATIONS BEING DENIED.

C. FREEDOM OF RELIGION

50. FREEDOM OF RELIGION IS PROVIDED FOR IN THE CONSTITUTION AND IS GENERALLY ACCORDED TO RELIGIOUS COMMUNITIES. AT THE END OF 1992, THE GOVERNMENT DROPPED ITS OBJECTIONS TO THE JEHOVAH'S WITNESSES, WHO ARE NOW FREE TO PRACTICE THEIR RELIGION. CHRISTIANITY PREDOMINATES WITH THE LARGEST SEGMENT OF THE POPULATION ADHERING TO CATHOLICISM. MUSLIMS CONSTITUTE A SMALL MINORITY BUT FREELY PRACTICE THEIR RELIGION.

51. THERE WAS NO DISCRIMINATION AGAINST FOREIGN CLERGY, AND NO RESTRICTIONS ON CONSTRUCTION OF PLACES OF WORSHIP, TRAINING OF CLERGY, RELIGIOUS PUBLISHING, OR RELIGIOUS EDUCATION.

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D. FREEDOM OF MOVEMENT WITHIN THE COUNTRY,
FOREIGN TRAVEL, EMIGRATION, AND REPATRIATION

52. FREEDOM OF MOVEMENT AND RESIDENCE ARE RESTRICTED BY LAWS AND REGULATIONS WHICH REQUIRE ALL RESIDENTS TO HOLD NATIONAL IDENTITY CARDS AND RESIDENCE AND WORK PERMITS. POLICE CONDUCT PERIODIC CHECKS, ESPECIALLY IN URBAN AREAS, AND RETURN ALL THOSE NOT REGISTERED IN THE LOCALITY TO THEIR OWN COMMUNE. PROPERTY OWNERS WHO DO NOT REQUIRE TENANTS TO SHOW VALID DOCUMENTATION ARE SUBJECT TO FINES AND EVEN IMPRISONMENT. UNDOCUMENTED TENANTS ARE SUBJECT TO EXPULSION.

53. A NIGHTLY CURFEW, INTRODUCED FOLLOWING THE OUTBREAK OF WAR IN 1990, WAS EXTENDED FOLLOWING RESUMPTION OF HOSTILITIES IN FEBRUARY, AND THEN LIFTED COMPLETELY AFTER THE PEACE ACCORD WAS SIGNED, EXCEPT IN THE FORMER WAR ZONE. MILITARY CHECKPOINTS, TOO, WERE INCREASED WHEN HOSTILITIES RESUMED BUT NEARLY ELIMINATED AFTER AUGUST.

54. PASSPORTS FOR FOREIGN TRAVEL ARE NORMALLY OBTAINED BY RWANDANS WHO SEEK THEM. FOLLOWING THE SIGNING OF THE PEACE ACCORD, THE GOVERNMENT BEGAN ISSUING PASSPORTS UPON REQUEST TO RWANDAN REFUGEES AND EXILES. EMIGRATION IS NOT RESTRICTED.

55. THE PEACE ACCORD PROTOCOL INCORPORATES INTO THE LAW THE RIGHT OF REFUGEES TO RETURN. ESTIMATES OF REFUGEES AND EXILES LIVING IN NEIGHBORING COUNTRIES AND ELSEWHERE RANGE FROM 500,000 TO MORE THAN 1 MILLION. MOST ARE

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ETHNIC TUTSIS, AND THEIR DESCENDANTS, WHO FLED RWANDA IN 1959, AND DURING SUBSEQUENT ETHNIC VIOLENCE ASSOCIATED WITH INDEPENDENCE IN 1962. INDIVIDUAL REFUGEES AND EXILES, INCLUDING MEMBERS OF THE RPF, BEGAN TO RETURN IN 1993, BUT PLANNING CONTINUES FOR ORGANIZED RETURN OF THOSE WHO DESIRE GOVERNMENT ASSISTANCE. A 1991 LAW GRANTS AMNESTY TO REFUGEES FOR CRIMES COMMITTED PRIOR TO

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THE LAW ENTERING INTO EFFECT.

56. RWANDA HOSTS APPROXIMATELY 23,000 REFUGEES, MAINLY HUTUS FROM BURUNDI, MOST OF WHOM FLED MASSACRES IN 1972. MOST RETAIN BURUNDI CITIZENSHIP BUT ARE INTEGRATED INTO SOCIETY. FOLLOWING 1993 ELECTIONS IN BURUNDI THAT BROUGHT TO POWER A HUTU PRESIDENT AND HUTU-DOMINATED PARLIAMENT, MORE BURUNDI REFUGEES SOUGHT REPATRIATION THAN COULD BE IMMEDIATELY ACCOMMODATED. ALMOST ALL WHO FLED TO RWANDA AFTER VIOLENCE IN 1988 AND 1991, AS WELL AS SOME WHO HAVE BEEN IN RWANDA SINCE 1972, REPATRIATED UNDER THE AUSPICES OF THE UNITED NATIONS HIGH COMMISSIONER FOR REFUGEES IN 1993. ((NOTE: EMBASSY: PLEASE UPDATE IN VIEW OF COUP ATTEMPT IN BURUNDI.))

SECTION 3 RESPECT FOR POLITICAL RIGHTS: THE RIGHT OF CITIZENS TO CHANGE THEIR GOVERNMENT

57. CITIZENS DID NOT HAVE THE ABILITY TO CHANGE THEIR GOVERNMENT THROUGH DEMOCRATIC MEANS. PRESIDENT HABYARIMANA AND THE MRND CONTINUED TO DOMINATE THE POLITICAL PROCESS. THE PEACE ACCORD, WHICH HAD NOT GONE INTO FULL EFFECT BY THE END OF THE YEAR, DEFERS NATIONWIDE, MULTIPARTY ELECTIONS FOR PRESIDENT AND
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PARLIAMENT, CALLED FOR UNDER THE 1991 CONSTITUTION, UNTIL THE END OF THE 22-MONTH TRANSITION PERIOD.

58. THE UNITED NATIONS SECURITY COUNCIL VOTED ON OCTOBER 5 TO SEND A NEW U.N. FORCE TO RWANDA TO ASSIST WITH IMPLEMENTATION OF THE PEACE ACCORD. THE U.N. MISSION WILL CONSIST OF 2,500 SOLDIERS AND WILL BE RESPONSIBLE FOR KEEPING GOVERNMENT AND RPF SECURITY FORCES IN CHECK; HELPING TO INTEGRATE GOVERNMENT AND RPF FORCES INTO A NEW MILITARY COMMAND; ASSISTING IN THE RETURN OF REFUGEES; AND OVERSEEING THE PREPARATIONS FOR THE ELECTIONS, SCHEDULED FOR 1995.

59. ((NOTE: EMBASSY: PLEASE REWORK SECTION 3 DEPENDING ON WHETHER NEW GOVERNMENT HAS COME INTO BEING BY YEAR'S END.))

60. THE PEACE ACCORD SIGNED IN AUGUST AND THE 1991 CONSTITUTION TOGETHER CONSTITUTE THE FUNDAMENTAL LAW OF RWANDA. THE PEACE ACCORD CALLS FOR PRESIDENT HABYARIMANA

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TO REMAIN PRESIDENT DURING THE TRANSITION PERIOD WITH THE PRIME MINISTER TO COME FROM A DIFFERENT POLITICAL PARTY. GOVERNMENT MINISTERS AND DEPUTIES IN THE 70-PERSON LEGISLATURE, THE TRANSITION NATIONAL ASSEMBLY, ARE TO BE NAMED BY THEIR POLITICAL PARTIES TO POSITIONS DISTRIBUTED AMONG THE PARTIES ACCORDING TO FORMULAS WORKED OUT AT THE PEACE NEGOTIATIONS. SIX PARTIES, INCLUDING THE RPF, WILL COMPRISE THE GOVERNMENT AND 17 PARTIES ARE AUTHORIZED TO HOLD SEATS IN THE LEGISLATURE (TWO PARTIES DECLINED). THE ENLARGED TRANSITION GOVERNMENT IS RESPONSIBLE FOR DEVELOPING AN ELECTORAL LAW, ESTABLISHING AN ELECTORAL LIMITED OFFICIAL USE

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COMMISSION, AND DRAFTING A NEW CONSTITUTION, TO BE SUBMITTED TO NATIONAL REFERENDUM, TO GOVERN POSTTRANSITION RWANDA.

61.
THERE ARE NO LEGAL RESTRICTIONS ON THE PARTICIPATION OF WOMEN IN POLITICAL LIFE, BUT WOMEN ARE POORLY REPRESENTED IN POLITICS AND GOVERNMENT. THREE WOMAN HELD MINISTERIAL PORTFOLIOS, INCLUDING THAT OF PRIME MINISTER, AND SEVERAL, REPRESENTING DIFFERENT PARTIES, SERVED AS DEPUTIES IN THE LEGISLATURE. THE NEWLY APPOINTED LEGISLATURE, HOWEVER, HAS ONLY ONE FEMALE DEPUTY. FORMER FEMALE DEPUTIES REPORT THAT THEIR CHANCES OF COMPETING ON AN EQUAL FOOTING WITH MEN WITHIN A COMPETITIVE PARTY SYSTEM ARE NIL. ((NOTE: EMBASSY: PLEASE CLARIFY "NEWLY APPOINTED?"))

62. ALTHOUGH THERE ARE NO LEGAL RESTRAINTS TO THEIR PARTICIPATION IN THE POLITICAL PROCESS, THE BATWA (PYGMIES) ARE NOT REPRESENTED IN KEY POSITIONS, INCLUDING IN ANY OF RWANDA'S EMERGING POLITICAL PARTIES.

SECTION 4 GOVERNMENTAL ATTITUDE REGARDING INTERNATIONAL AND NONGOVERNMENTAL INVESTIGATION OF ALLEGED VIOLATIONS OF HUMAN RIGHTS

63. RWANDA HAS NINE HUMAN RIGHTS ORGANIZATIONS, FIVE FORMED IN 1990 AND 1991 AND FOUR FORMED IN 1993. THOSE FORMED EARLIEST, WHICH HAVE JOINED TOGETHER IN A CONSORTIUM, REGULARLY INVESTIGATE ALLEGATIONS OF HUMAN RIGHTS ABUSES, MAKE REPRESENTATIONS TO PUBLIC OFFICIALS, LIMITED OFFICIAL USE

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PUBLISH PRESS RELEASES AND REPORTS OF INVESTIGATIONS, AND
GENERALLY SEEK REDRESS ON BEHALF OF VICTIMS. THESE
ORGANIZATIONS HAVE BEEN INSTRUMENTAL IN ALERTING
OFFICIALS TO ABUSES OF AUTHORITY AND IN PROMPTING EARLY
INTERVENTIONS TO REDRESS OR CONTAIN ETHNIC VIOLENCE,
ARBITRARY ARREST, OR TORTURE (SEE SECTIONS 1.A., 1.D.).

64. WHILE THEIR WORK WAS GENERALLY UNHINDERED,
INDIVIDUAL HUMAN RIGHTS MONITORS EXPERIENCED SOME
HARASSMENT AND INTIMIDATION FROM UNIDENTIFIED SOURCES,
SOMETIMES VIOLENT HARASSMENT. FOR EXAMPLE, HUMAN RIGHTS
ACTIVIST ALPHONSE N'KUBITO WAS THE VICTIM OF AN
ASSASSINATION ON NOVEMBER 14. HE SUSTAINED INJURIES FROM
GRENADE FRAGMENTS. ((NOTE: EMBASSY: OTHER HARASSMENT?
PLEASE USE ACTIVE VOICE.))

65. GENERALLY, THE MORE RECENTLY FORMED ASSOCIATIONS
SUPPORT GOVERNMENT POSITIONS, E.G., IN TRACING ALL HUMAN
RIGHTS PROBLEMS IN RWANDA TO THE WAR LAUNCHED BY THE RPF
IN 1990. THEY WERE LARGELY INACTIVE, BUT ONE PUBLISHED A
COMMENTARY CRITIZING THE INTERNATIONAL HUMAN RIGHTS
COMMISSION'S FINDINGS (SEE BELOW). A NATIONAL HUMAN
RIGHTS COMMISSION WITH INVESTIGATIVE AUTHORITY, CALLED
FOR IN THE RULE OF LAW PROTOCOL OF THE PEACE ACCORD, HAS
YET TO BE ESTABLISHED.

66. RWANDA COOPERATES WITH OUTSIDE GOVERNMENTAL AND
NONGOVERNMENTAL HUMAN RIGHTS GROUPS. IN JANUARY AN
"INTERNATIONAL COMMISSION OF INQUIRY ON VIOLATIONS OF
HUMAN RIGHTS IN RWANDA SINCE OCTOBER 1, 1990," COMPRISED
OF EXPERTS FROM EIGHT COUNTRIES, SPENT TWO WEEKS

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INVESTIGATING PAST AND PRESENT HUMAN RIGHTS ABUSES. ITS
REPORT, RELEASED IN MARCH, ACCUSED GOVERNMENT OFFICIALS,
INCLUDING PRESIDENT HABYARIMANA, OF RESPONSIBILITY FOR
MASSACRES. IN RESPONSE, THE PRESIDENT AND PRIME MINISTER
ISSUED A JOINT STATEMENT ACKNOWLEDGING PAST WRONGS AND
SETTING FORTH PROPOSALS FOR PREVENTING FUTURE ABUSES.
THERE HAS BEEN LITTLE FOLLOW-UP.

67. RWANDAN HUMAN RIGHTS MONITORS ARE IN FREQUENT

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CONTACT WITH INTERNATIONAL HUMAN RIGHTS GROUPS AND RECEIVE CONSIDERABLE FINANCIAL SUPPORT FROM ABROAD. THE INTERNATIONAL COMMITTEE OF THE RED CROSS (ICRC) CONTINUED TO HAVE UNRESTRICTED ACCESS TO PRISONS AND GENDARMERIES, BUT THE GOVERNMENT AGAIN DENIED THE ICRC REQUEST FOR ACCESS TO DETAINEES IN MILITARY CAMPS.

SECTION 5 DISCRIMINATION BASED ON RACE, SEX, RELIGION, DISABILITY, LANGUAGE OR SOCIAL STATUS

68. THE CONSTITUTION PROVIDES THAT ALL CITIZENS ARE EQUAL BEFORE THE LAW, WITHOUT ANY DISCRIMINATION BECAUSE OF RACE, COLOR, ORIGIN, ETHNICITY, CLAN, SEX, OPINION, RELIGION, OR SOCIAL STANDING. RWANDA'S POLITICAL PARTIES' LAW BANS PARTIES BASED ON ETHNIC ORIGIN OR RELIGIOUS AFFILIATION. IN PRACTICE, A NUMBER OF GROUPS EXPERIENCE DISCRIMINATION.

69. WOMEN

70. DESPITE CONSTITUTIONAL PROVISIONS, WOMEN CONTINUE TO FACE SERIOUS DE FACTO DISCRIMINATION. WOMEN PLAY ONLY A LIMITED OFFICIAL USE

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MINOR ROLE IN POLITICAL AND ECONOMIC LIFE AND TRADITIONALLY PERFORM MOST OF THE SUBSISTENCE FARMING. THEY HAVE LIMITED OPPORTUNITIES FOR EDUCATION, EMPLOYMENT, AND PROMOTION. ACCORDING TO A 1991 U.N. STUDY, FEMALES RECEIVE ONLY 33 PERCENT OF THE SCHOOLING OF MALES. IN SUPPORT OF WOMEN'S RIGHTS, PRESIDENT HABYARIMANA ENCOURAGED FAMILY PLANNING, AND A NEW FAMILY CODE WENT INTO EFFECT IN 1992. THE CODE GENERALLY IMPROVES THE LEGAL POSITION OF WOMEN IN MARRIAGE, DIVORCE, AND CHILD CUSTODY, BUT IT STILL DOES NOT MEET RWANDA'S INTERNATIONAL AND CONSTITUTIONAL COMMITMENTS TO GENDER EQUALITY. FOR EXAMPLE, IT....((NOTE: EMBASSY: PLEASE CITE ONE OF ITS SHORTCOMINGS.)) ALSO, THE ABSENCE OF SUCCESSION LAWS LIMITS A WOMAN'S RIGHTS TO PROPERTY, THUS JEOPARDIZING HER STATUS AND ABILITY TO PROVIDE FOR HER FAMILY SHOULD SHE SURVIVE HER HUSBAND.

71. VIOLENCE AGAINST WOMEN, INCLUDING WIFE BEATING, OCCURS AND IS THOUGHT TO BE WIDESPREAD. CASES INVOLVING DOMESTIC VIOLENCE RARELY COME BEFORE THE COURTS. INSTEAD, WIFE BEATING AND DOMESTIC VIOLENCE ARE NORMALLY HANDLED WITHIN THE CONTEXT OF THE EXTENDED FAMILY. A

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WOMAN SEEKING FAMILY HELP IS GENERALLY THOUGHT TO BE SEEKING ADVICE ABOUT HOW TO IMPROVE HER CONDUCT. ONLY IF FAMILY COUNSELING FAILS IS THE MATTER LIKELY TO BE TAKEN TO OUTSIDE RESOURCES, AND DIVORCE IS USUALLY THE NEXT STEP. ALTHOUGH THE NUMBER OF GROUPS PROMOTING WOMEN'S INTERESTS HAVE PROLIFERATED SINCE THE OPENING TO DEMOCRACY, NONE ADDRESSES DIRECTLY THE ISSUE OF VIOLENCE AGAINST WOMEN.

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72. RAPE BECAME A MAJOR ISSUE IN THE ETHNIC VIOLENCE AND FIGHTING BETWEEN GOVERNMENT TROOPS AND THE RPF. IN PARTICULAR, GOVERNMENT SOLDIERS....(SEE SECTION 1.C.) ((NOTE: EMBASSY: PLEASE REPHRASE. HAS RAPE BECOME A MEANS BY WHICH ONE GROUP HUMILIATES ANOTHER?))

73. CHILDREN

74. THE GOVERNMENT DOES NOT HAVE A SPECIFIC POLICY OR ANY RESOURCES EARMARKED FOR CHILDREN'S WELFARE.

75. BY LAW, THE STATE IS REQUIRED TO PAY FOR THE EDUCATION OF ORPHANS, PROHIBIT IMPRISONMENT OF MINORS WITH ADULTS, PROTECT MINORS FROM LABOR EXPLOITATION, AND PROVIDE FOR A FOSTER PARENT SYSTEM. IN PRACTICE, FUNDS AND OVERSIGHT MECHANISMS TO IMPLEMENT THESE PROGRAMS DO NOT EXIST.

76. INDIGENOUS PEOPLE

77. LESS THAN 1 PERCENT OF THE POPULATION COMES FROM THE BATWA ETHNIC GROUP. THESE INDIGENOUS PEOPLE, SURVIVORS OF THE PYGMY TRIBES OF THE MOUNTAINOUS FOREST AREAS BORDERING ZAIRE, EXIST ON THE MARGINS OF SOCIETY AND CONTINUE TO BE TREATED AS SECOND-CLASS CITIZENS BY BOTH HUTUS AND TUTSIS. THE BATWA HAVE NOT BEEN ABLE TO PROTECT THEIR INTERESTS WHICH CENTER PARTICULARLY ON ACCESS TO LAND AND HOUSING. FEW BATWA HAVE GAINED ACCESS TO THE EDUCATION SYSTEM RESULTING IN MINIMAL REPRESENTATION IN GOVERNMENT STRUCTURES.

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78. NATIONAL/RACIAL/ETHNIC MINORITIES

79. ETHNICITY IS A SENSITIVE ISSUE AS A RESULT OF RWANDA'S ETHNIC IMBALANCE AND ITS HISTORICAL LEGACY. ABOUT 85 PERCENT OF THE POPULATION IS HUTU, 14 PERCENT TUTSI, AND 1 PERCENT TWA. CITIZENS CARRY IDENTITY DOCUMENTS THAT CLEARLY IDENTIFY ETHNIC ORIGIN, BUT THE PEACE ACCORD REQUIRES THIS REFERENCE DELETED. A POLICY OF ETHNIC QUOTAS, WHICH ALLOCATES POSITIONS TO ETHNIC GROUP MEMBERS IN PROPORTION TO THEIR NUMBERS, HAS IN PRACTICE LIMITED ACCESS OF TUTSIS TO EDUCATION, TRAINING, AND GOVERNMENT EMPLOYMENT. (NO PROVISION IS MADE FOR THE TWA.) PROCEDURES INTRODUCED BY THE COALITION GOVERNMENT IN PLACE SINCE 1992 HAVE REDUCED THE IMPACT OF THE QUOTA SYSTEM ON ACCESS TO SECONDARY SCHOOL AND ELIMINATED SOME EMPLOYMENT BARRIERS. THE PROJECTED INTEGRATION OF GOVERNMENT AND RPF ARMED FORCES, PART OF THE PEACE SETTLEMENT, WILL REDRESS THE VIRTUAL ABSENCE OF TUTSIS IN THE SECURITY APPARATUS OF THE COUNTRY. APPARENTLY AS A CONSEQUENCE OF PUBLIC SECTOR DISCRIMINATION, TUTSIS ARE WELL REPRESENTED IN THE PRIVATE SECTOR AND THE CLERGY.

80. PEOPLE WITH DISABILITIES

81. THERE ARE NO LAWS RESTRICTING PEOPLE WITH DISABILITIES FROM EMPLOYMENT, EDUCATION, OR OTHER STATE SERVICES, AND IN PRACTICE....(NOTE: EMBASSY: PLEASE INDICATE.)) NOR ARE THERE ANY LAWS OR PROVISIONS TO ASSURE ACCESS OF DISABLED TO PUBLIC PREMISES. THE NUMBER OF HANDICAPPED IS INCREASING AMONG BOTH CIVILIANS AND MILITARY INJURED IN BOMB, LANDMINE, AND GRENADE INCIDENTS

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ASSOCIATED WITH THE WAR OR ARMED ASSAULTS. THE MILITARY IS IN THE PROCESS OF TRAINING WAR-WOUNDED SOLDIERS FOR PRODUCTIVE EMPLOYMENT EITHER WITHIN OR OUTSIDE THE MILITARY.

SECTION 6 WORKER RIGHTS

A. THE RIGHT OF ASSOCIATION

82. THE 1991 CONSTITUTION PROVIDES ALL RWANDANS THE RIGHT OF ASSOCIATION AND FREEDOM TO CREATE PROFESSIONAL

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ASSOCIATIONS AND LABOR UNIONS. UNION MEMBERSHIP IS OPEN TO ALL SALARIED WORKERS, INCLUDING PUBLIC SECTOR EMPLOYEES, BUT IS OPTIONAL. ((NOTE: EMBASSY: ACCURACY? ARE THERE RESTRICTIONS ON THE RIGHT OF ASSOCIATION? MUST UNIONS REGISTER WITH THE GOVERNMENT? THE TERM RECOGNIZED BY THE GOVERNMENT IS USED BELOW?)) ORGANIZED LABOR REPRESENTS ONLY A SMALL PART OF THE TOTAL WORK FORCE; MOST RWANDAN WORKERS--OVER 90 PERCENT--ARE ENGAGED IN SMALL-SCALE SUBSISTENCE FARMING. ABOUT 7 PERCENT OF THE TOTAL LABOR FORCE IS EMPLOYED IN THE MODERN (WAGE) SECTOR, INCLUDING BOTH PUBLIC AND PRIVATE INDUSTRIAL PRODUCTION, AND ABOUT 75 PERCENT OF THOSE ACTIVE IN THE MODERN SECTOR ARE MEMBERS OF LABOR UNIONS.

83. BEFORE 1991 THE SINGLE PARTY GOVERNMENT PERMITTED THE CENTRAL UNION OF RWANDAN WORKERS (CESTRAR) AS THE ONLY AUTHORIZED TRADE UNION ORGANIZATION (CONFEDERATION?) IN THE COUNTRY. WITH THE POLITICAL REFORMS INTRODUCED BY THE 1991 CONSTITUTION, CESTRAR OFFICIALLY BECAME INDEPENDENT OF THE GOVERNMENT AND THE FORMER SINGLE LIMITED OFFICIAL USE

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PARTY, THE MRND, BUT IN PRACTICE IT STILL HAS CLOSE INFORMAL TIES TO THE MRND. CESTRAR CURRENTLY HAS APPROXIMATELY 70,000 MEMBERS AND REPRESENTS ABOUT 42 PERCENT OF THE LABOR FORCE IN THE MODERN SECTOR. ((NOTE: EMBASSY: REVISE AS APPROPRIATE. PLEASE CLARIFY WHETHER CESTRAR IS A CONFEDERATION OF SMALL UNIONS OR A SINGLE UNION?))

84. IN 1993 THE GOVERNMENT OFFICIALLY RECOGNIZED THE UNION OF PRIMARY SCHOOL TEACHERS, BRINGING TO FIVE THE NUMBER OF UNIONS RECOGNIZED SINCE 1991. IN COMPETING FOR MEMBERSHIP WITH CESTRAR, THESE FIVE UNIONS HAVE DECIDED TO CONSOLIDATE THEIR RECRUITMENT EFFORTS AND ENHANCE THEIR BARGAINING POWER BY FORMING A LOOSE CONFEDERATION TO BE CALLED THE CONFEDERATION OF LIBERAL SYNDICATES (COSYU). THE OTHER INDEPENDENT UNIONS IN COSYU ARE: THE UNITED ASSOCIATION OF HEALTH PERSONNEL IN RWANDA (ASPESAR); THE INTERPROFESSIONAL UNION OF WORKERS OF RWANDA (SITR); THE UNION OF SECONDARY SCHOOL TEACHERS; AND UMURIMO, THE ASSOCIATION OF CHRISTIAN UNIONS (REPRESENTING PUBLIC AND PRIVATE SECTOR WORKERS, SMALL BUSINESSMAN, AND SOME SUBSISTENCE FARMERS). ((NOTE: EMBASSY: DO THESE GROUPS HAVE TIES TO POLITICAL PARTIES? WHAT DOES THE CONSTITUTION SPECIFICALLY STATE,

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IF ANYTHING, ON THE RELATIONSHIP BETWEEN UNIONS AND PARTIES?))

85. THE CONSTITUTION ALSO PROVIDES FOR ALL WORKERS, EXCEPT WORKERS IN THE PUBLIC SERVICE SECTOR, THE RIGHT TO STRIKE. UNION MEMBERS HAVE THE RIGHT TO STRIKE WITH THE APPROVAL OF THEIR EXECUTIVE COMMITTEE, PROVIDED THEY
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FIRST TRY TO RESOLVE THEIR DIFFERENCES WITH MANAGEMENT ACCORDING TO CERTAIN STEPS PRESCRIBED BY THE MINISTRY OF LABOR AND SOCIAL AFFAIRS. ((NOTE: EMBASSY: WHAT ARE SOME OF THESE RESTRICTIONS? DO LAWS PROHIBIT RETRIBUTION AGAINST STRIKERS? DOES THE GOVERNMENT ENFORCE THEM?))

86. IN 1993 THERE WERE SEVERAL STRIKES AGAINST PUBLIC AND PRIVATE SECTOR FIRMS. ONE INVOLVED WORKERS WITHIN CESTRAR'S OWN EXECUTIVE BUREAU WHO HAD NOT BEEN PAID IN SEVERAL MONTHS. NEITHER CESTRAR NOR THE OTHER LABOR UNIONS OFFICIALLY ORGANIZED THESE STRIKES. WORKERS' DEMANDS FOCUSED ON WAGES, BENEFITS, AND WORKING CONDITIONS. ALTHOUGH THE STRIKES WERE WILDCAT IN NATURE, THE GOVERNMENT TREATED THEM AS LEGITIMATE AND ACTED AS A FACILITATOR IN THE WORKERS' NEGOTIATIONS WITH THEIR MANAGEMENT. IN MOST CASES, CESTRAR PLAYED A SUPPORTING ROLE (EXCEPT IN ITS OWN LABOR DISPUTE). IN 1993 THE INTERNATIONAL LABOR ORGANIZATION (ILO) DID NOT CITE THE GOVERNMENT FOR FAILURE TO OBSERVE PERTINENT ILO CONVENTIONS OR STANDARDS.

87. LABOR ORGANIZATIONS MAY AFFILIATE WITH INTERNATIONAL LABOR BODIES. CESTRAR IS AFFILIATED WITH THE ORGANIZATION OF AFRICAN TRADE UNION UNITY AND THE INTERNATIONAL CONFEDERATION OF FREE TRADE UNIONS.

B. THE RIGHT TO ORGANIZE AND BARGAIN COLLECTIVELY

88. THE CONSTITUTION GRANTS WORKERS THE RIGHT TO DEFEND THEIR RIGHTS THROUGH COLLECTIVE ACTION. DESPITE THE CHANGES SINCE 1991, ONLY CESTRAR'S MEMBERS MAY ENGAGE IN
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GENUINE COLLECTIVE BARGAINING AGREEMENTS WITHOUT GOVERNMENT INTERFERENCE. IN PRACTICE, AS MOST WORKERS ARE IN THE PUBLIC SECTOR, THE GOVERNMENT IS INTIMATELY INVOLVED IN THE PROCESS (SEE 6.E. BELOW).

89. THERE ARE NO LEGAL BARS TO ANTIUNION DISCRIMINATION, BUT SUCH DISCRIMINATION HAS NOT OCCURRED IN PRACTICE. ((NOTE: EMBASSY ARE THERE MECHANISMS TO RESOLVE COMPLAINTS?))

90. THERE ARE NO EXPORT PROCESSING ZONES.

C. PROHIBITION OF FORCED AND COMPULSORY LABOR

91. FORCED LABOR IS PROHIBITED BY LAW AND IS NOT KNOWN TO OCCUR IN PRACTICE.

D. MINIMUM AGE FOR EMPLOYMENT OF CHILDREN

92. EXCEPT IN THE SUBSISTENCE AGRICULTURE SECTOR, WHICH INVOLVES MOST RWANDANS, BY LAW CHILDREN UNDER 18 ARE NOT PERMITTED TO WORK WITHOUT THEIR PARENTS' OR GUARDIANS' AUTHORIZATION, AND THEY MAY WORK AT NIGHT ONLY UNDER EXCEPTIONAL CIRCUMSTANCES ON A TEMPORARY BASIS. LABOR LAWS SET THE MINIMUM AGE FOR FULL EMPLOYMENT AT 18 YEARS AND FOR APPRENTICESHIPS AT 14 YEARS, PROVIDING THE CHILD HAS COMPLETED PRIMARY SCHOOL. THE MINISTER OF LABOR, WHO IS RESPONSIBLE FOR ENFORCEMENT, HAS THE RIGHT TO PERMIT A CHILD UNDER THE AGE OF 14 TO WORK, BUT THIS HAS REPORTEDLY NEVER BEEN TESTED IN PRACTICE. ENFORCEMENT OF CHILD LABOR LAWS IS LAX; NEVERTHELESS, APART FROM
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CHILDREN WORKING IN FAMILY OWNED BUSINESSES, CHILD LABOR OUTSIDE THE AGRICULTURAL SECTOR IS UNCOMMON.

E. ACCEPTABLE CONDITIONS OF WORK

93. MINIMUM WAGE RATES IN THE SMALL MODERN SECTOR OF THE ECONOMY ARE SET ADMINISTRATIVELY BY THE MINISTRY OF LABOR. THE MINIMUM WAGE IS 1.08 (150 RWANDAN FRANCS) FOR AN 8-HOUR WORKDAY. THE GOVERNMENT, THE MAIN EMPLOYER IN THE COUNTRY, EFFECTIVELY SETS MOST OTHER WAGE RATES AS WELL. THE MINIMUM WAGE IS INADEQUATE TO PROVIDE A DECENT STANDARD OF LIVING FOR URBAN FAMILIES AND IS OFTEN SUPPLEMENTED BY WORK IN SMALL BUSINESS OR SUBSISTENCE

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AGRICULTURE. IN PRACTICE, THE MINIMUM WAGE RATE IS
SELF-ENFORCING SINCE WORKERS WILL NOT WORK FOR LESS.

94. GOVERNMENT OFFICES NOW HAVE A LEGAL, 40 HOUR
WORKWEEK. NEGOTIATIONS BETWEEN THE UNIONS, GOVERNMENT,
AND MANAGEMENT ARE UNDER WAY TO REDUCE THE WORKWEEK FROM
45 TO 40 HOURS A WEEK IN THE PRIVATE SECTOR AS WELL.
HOURS OF WORK AND OCCUPATIONAL HEALTH AND SAFETY
STANDARDS IN THE MODERN WAGE SECTOR ARE CONTROLLED BY LAW
BUT ONLY LOOSELY ENFORCED BY LABOR INSPECTORS FROM THE
MINISTRY OF LABOR. WORKERS DO NOT HAVE THE RIGHT TO
REMOVE THEMSELVES FROM DANGEROUS WORK SITUATIONS.

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